

A copy of the marked up amended claim is attached to this response showing the changes as set forth in amended 37 C.F.R. § 1.121.

REMARKS

Claims 2-51 are pending the Application. By this Amendment, independent claim 1 has been canceled and incorporated into added claim 51. Claim 2 is amended to correct its dependency and claims 18 and 35 are amended. Support for the Amendment is found in the specification. No new matter is added.

Applicants gratefully appreciate the indication of allowable subject matter in the Office Action mailed November 27, 2001, regarding claims 16-17, 33-34 and 50-51. However, in view of the above amendments and following remarks, Applicants respectfully submit that all of pending claims 2-51 contain allowable subject matter. Accordingly, reconsideration of the application is respectfully requested.

Applicants' independent claim 51 recites a network system for suitably distributing any content as transactable product, comprising, one or more data server means, data utilization means, and transaction management means comprised on the network, wherein said data server means and utilization means transmit and receive through the network a data package for which a boundary is set in accordance with an attribute for a transaction and which includes a data relating to the transaction and an attribute data relating to the transaction which defines the attribute of said data relating to the transaction, said data server means supply through the network the data package

which includes data of said content as said data relating to the transaction, said data utilization means receive the supplied data package, and substantially acquire said data of said content according to said boundary, and said transaction management means performs processing relating to the transaction on the basis of said attribute data every time said data package is received by said data server means or said data utilization means.

Applicants' independent claim 18 recites a data distribution method in a network having a plurality of connected nodes for suitably distributing any content as a transactable product, comprising, sending through the network a data package (information package), having the content as a transactable product, for which a boundary is set relating to a predetermined attribute for the transaction, and which includes data relating to the transaction, and information relating to the control for utilization of the content, and information which defines a predetermined attribute of said data relating to the transaction, supplying the data package through the network by a data server means, receiving the data package by a data utilization means connected to at least one node on the network, substantially acquiring at least the content according to said boundary, and carrying out predetermined processing relating to the transaction based on the information of the predetermined attribute for the transaction of the content each time the content delineated by the boundary is newly substantially acquired by the data utilization means.

Applicants' independent claim 35 recites a computer readable recording medium on which a data package for distribution of any content as a product for transaction in a

network having a plurality of nodes are connected is recorded and which can be read by a computer substantially connected to the network, the data package comprising, any content for which a boundary is set relating to a predetermined attribute for the transaction and which includes a data relating to the transaction and an information of said predetermined attribute which defines the predetermined attribute of said data, and information relating to the control for utilization of the content.

Applicants respectfully submit that Ginter et al. (U.S. Patent No. 5,892,900) does not disclose or suggest all of the above-recited features of Applicants' invention.

Ginter discloses a system for distributing content while protecting the rights of the content. Ginter defines that "rule and controls" are treated independently from the content. See col. 55, lines 6-8, 53-56 and col. 57, line 56 - col. 58, line 12, for example. The distribution of the content is controlled by preparing predetermined rights with respect to the content. The rights may be transmitted together with the content. Ginter limits the transmission of information to the "rights".

However, Applicants' device enables any content relating to the transaction, such as, procedure data, bill data, authentication data, etc., for example, to be transmitted between the data server means and the data utilization means. Therefore, Ginter is not capable of performing at least this function of Applicants' claimed invention.

Furthermore, the Applicants' boundary is set to the data package according to the transaction. Therefore, the boundary may be set to a target data according to the transaction. That is, the boundary may be varied according to the attribute. Thus,

Applicants respectfully submit that Ginter is not capable of performing at least this function of Applicants' claimed invention.

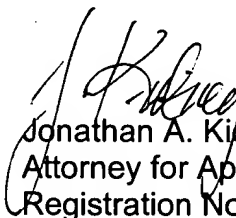
In view of the above, Applicants respectfully submit that Ginter does not disclose or suggest all the claimed features of Applicants' claimed invention. Accordingly, reconsideration of the application in view of the above remarks is respectfully requested. Favorable consideration and prompt allowance is earnestly solicited.

Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

In the event additional fees are required, please charge Counsel's Deposit Account No. 01-2300, referring to client-matter number 103203-08003.

Respectfully submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC


Jonathan A. Kidney
Attorney for Applicants
Registration No. 46,195

Customer No. 004372
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6481
Fax: (202) 638-4810

JAK:ksm

Enclosure: Marked-Up Copy of Amended Claims

MARKED-UP COPY OF AMENDED CLAIMS

2. (Once Amended) A network system as set forth in claim [1] 51, wherein:
the boundary set for said data package includes a boundary relating to charging for
a transaction of said content,

said information of said predetermined attribute included in the data package
includes information relating to charging for said content, and

said transaction management means has a charging processing means for carrying
out processing based on said information relating to charging every time content delineated
by said boundary is newly substantially acquired by said data utilization means.

18. (Once Amended) A data distribution method in a network [through which]
having a plurality of connected nodes [are connected] for suitably distributing any content
as a transactable product [to a data utilization means comprised of at least one node on the
network], comprising:

sending through the network a data package (information package), having [any] the
content as a transactable product, for which a boundary is set relating to a predetermined
attribute for the transaction, and which includes data relating to the transaction, and
information relating to the control for utilization of the content, and information [of] which
defines a predetermined attribute [for] of said data relating to the transaction,

supplying the data package through the network by a data server means,

receiving the data package [supplied] by [the] a data utilization means connected to at least one node on the network, substantially acquiring at least the content according to said boundary, and

carrying out predetermined processing relating to the transaction based on the information of the predetermined attribute for the transaction of the content each time the content delineated by the boundary is newly substantially acquired by the data utilization means.

35. (Once Amended) A computer readable recording medium on which a data package for distribution of any content as a product for transaction in a network [through which] having a plurality of nodes are connected is recorded and which can be read by a computer substantially connected to the network, [recorded a] the data package comprising:

any content for which a boundary is set relating to a predetermined attribute for the transaction and which includes a data relating to the transaction and an information of said predetermined attribute which defines the predetermined attribute of said data, and

information relating to the control for utilization of the content [and
information of said predetermined attribute for the transaction].